

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

In re:

Case No. 09-41014

HAROLD E. STOKES, and
CHARLOTTE E. TODER-STOKES,

Debtors.

Chapter 13

Judge Thomas J. Tucker

CHARLOTTE E. TODER-STOKES,

Plaintiff,

v.

Adv. Pro. No. 09-4506

WELLS FARGO BANK ,

Defendant.

ORDER DISMISSING ADVERSARY PROCEEDING

On March 26, 2009, Debtor/Plaintiff Charlotte E. Stokes filed an adversary complaint against Wells Fargo Bank, initiating this adversary proceeding. On March 27, 2009, Debtors filed, in the main bankruptcy case (Case No. 09-41014), a “Notice of Withdrawal of Adversary Complaint and Summons” (Docket # 34 in Case No. 09-41014), “requesting to withdraw/dismiss Adversary [C]ase No. 09-4506,” because the Complaint filed in Case No. 09-4506 is a duplicate of a complaint filed on March 24, 2009, which initiated Adversary Proceeding 09-4483.

Although Debtors should have filed a Notice of Dismissal in Adv. Pro. No. 09-4506, if they wanted this adversary proceeding dismissed, their “Notice of Withdrawal of Adversary Complaint and Summons,” filed in the main bankruptcy case, shows there is cause to dismiss this adversary proceeding.

Accordingly,

IT IS ORDERED that this adversary proceeding is DISMISSED.

Signed on April 20, 2009

/s/ Thomas J. Tucker
Thomas J. Tucker
United States Bankruptcy Judge